

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

SEP 19 2012

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT

UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983 JAMES W. MCCORMACK, CLERK

By: \_\_\_\_\_

DEPT. CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS

First DIVISION  
((OCSE # 202347278))  
CASE NO. CR-2011-578-5

Jury Trial: ☒ Yes ☐ No  
(Check One)

I. Parties

5:12W00363 BSM

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

Name of plaintiff: Nekia Roshune French  
ADC # 103610

Address: Dub Brassel Detention Center 300 east 2nd. St.  
Pine Bluff ARKANSAS. 71601/2400 W. 47th Pine Bluff Arkansas 71603

Name of plaintiff: \_\_\_\_\_  
ADC # \_\_\_\_\_

Address: \_\_\_\_\_

Name of plaintiff: \_\_\_\_\_  
ADC # \_\_\_\_\_

This case assigned to District Judge Miller  
and to Magistrate Judge Kearney

Address: \_\_\_\_\_

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

B. Name of defendant: Broneal Smith

Position: original assignor

Place of employment: N/A

Address: 4001 West Hepburn St. Pine Bluff. AR. 71603

Name of defendant: Kimberly R. Smith

Position: Current assignor

Place of employment: N/A

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Address: N/A  
Name of defendant: La Donna Hall  
Position: Investigator / child support case worker  
Place of employment: Jefferson County child support office  
Address: P.O. Box 5809 Pine Bluff, AR. 71611  
Name of defendant: Earnest Sanders  
Position: Attorney at Law  
Place of employment: Pine Bluff office of child support  
Address: P.O. Box 5809 Pine Bluff, AR. 71611

II. Are you suing the defendants in:

- ☐ official capacity only  
☐ personal capacity only  
☒ both official and personal capacity

III. Previous lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_ No ☒

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

☐ Parties to the previous lawsuit:

Plaintiffs: N/A

Defendants: N/A

☐ Court (if federal court, name the district; if state court, name the county):

Jefferson County Court House

- ☐ Docket Number: (child support) DR-2006-1506-3
- ☐ Name of judge to whom case was assigned: Berlin C. Jones
- ☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) yes (still pending)
- ☐ Approximate date of filing lawsuit: \_\_\_\_\_
- ☐ Approximate date of disposition: \_\_\_\_\_

IV. Place of present confinement: Dub Brassel Detention Center  
300 east 2nd st. Pine Bluff, Arkansas 71601

V. At the time of the alleged incident(s), were you:  
 (check appropriate blank)

No in jail and still awaiting trial on pending criminal charges

No serving a sentence as a result of a judgment of conviction

No in jail for other reasons (e.g., alleged probation violation, etc.)  
 explain: \_\_\_\_\_

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No ☐

Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes ☐ No ☒

If not, why? There was never a response

## VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I Nekia French States, that at no time was I informed that there was a change of assignor. As a result of this I have not been sure of the rightful person or person's of Custody. Also based upon my current Incarceration status I have not been able to determine an actual parental test for the child Brenaijah Smith. I have been unaware of the formalities of my case from 2006 because I was not served the papers personally nor was I present at the date and time of Birth. I also don't have any knowledge whom Kimberly R. Smith is. Check Motion of Discovery, Order to release body attachment 5-9-2009, and order of body attachment 12-14-10.

VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

To be submitted to a paternity test, Also  
to be taken off child support, And find  
out whom is the actual assignor of child.

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 10<sup>th</sup> day of September, 2012.

Nekia Roshune French

Nekia R. French

Signature(s) of plaintiff(s)